

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

In the outstanding Office Action, the specification was objected to because of an informality; claims 1-18, 20-28, 33-45, 47-63, 65-69, 72-93, 95, 97-99, and 102-117, were rejected under 35 U.S.C. § 102(e) as being anticipated by Bahlmann (U.S. Patent No. 6,487,594, hereinafter Bahlmann); claims 19, 46, 64, 94, and 96 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bahlmann in view of 'Official Notice,' and claims 29-32, 70, 71, 100, and 101 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bahlmann in view of Cogger et al. (U.S. Patent Application Publication No. 2002/0087383, hereinafter Cogger). For reasons discussed below, this rejection is respectfully traversed.

In response, the specification has been amended to correct the informality. No new matter has been added.

Independent claim 1 is directed to a "network operations support system" for supporting multiple service providers, each having end-users connected to a common network, the system including a common interface through which each of the multiple service providers may access entries in a digital repository related to that particular service provider's end-users. Claim 1 requires a digital repository having stored therein entries that correspond to end-user customers of multiple service providers. Bahlmann, on the other hand, is directed to a policy management method and system for use by a single Internet service provider.

Bahlmann depicts a policy management system through which a single Internet service provider (ISP) can offer Internet services to its subscribers in different regions. Bahlmann discusses regional policy databases and a central policy database operable with

regional policy databases to allow that single ISP to manage and inter-relate the components of their regional operations as well as the differences between the regional operations.

Bahlmann only refers to providing such a method and system for a single ISP.

Bahlmann does not teach a network operations support system for supporting multiple service providers each having end-users connected to a common network, where the system includes a common interface through which the multiple service providers may access entries in a digital repository related to their end-users. The common interface allows each of the multiple service providers to access entries stored in a digital repository of the operations support system that correspond to that particular service provider's end-users. Bahlmann, being directed to a single service provider's system, does not teach this feature.

Independent claims 53, 83, and 106 each specifically require an operations support system for supporting at least a first and second service provider having end-users on a common network, and a common interface through which the service providers may access information in the operations support system corresponding to that particular service provider's end-users, thereby distinguishing them from Bahlmann for reasons similar to those discussed above. Claim 53 is directed to a computer program product that includes a mechanism for supporting multiple service providers having end-users connected to a common network and a computer code device configured to provide a single user interface through which each of the service providers can access information in a database corresponding to that particular service provider's end-users. Claim 83 is directed to a method for providing operations support for multiple service providers having end-users connected to a common network including a step through which each of the service providers access information in a database corresponding to that particular service provider's end-users through a single user interface. Claim 106 is directed to a system for providing operations

support for multiple service providers having end-users connected to a common network including a means through which each of the service providers access information in a database corresponding to that particular service provider's end-users via a single user interface.

Thus, it is respectfully submitted that independent claims 1, 53, 83, and 106 patentably define over Bahlmann. Because claims 2-18, 20-28, 33-45, 47-52, and 107-112 depend from claim 1, claims 54-63, 65-69, 72-82, and 113-117 depend from claim 53, and claims 84-93, 95, 97-99, and 102-105 depend from claim 83, it is respectfully submitted that these dependant claims also patentably define over Bahlmann.

Claims 19, 46, 64, 94, and 96 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bahlmann in view of 'Official Notice.' Applicants respectfully traverse this rejection. The Examiner has taken 'Official Notice' that the concepts and advantages of "a hybrid fiber co-axial network for transportation purposes,"¹ and "providing a European Data Over Cable Service Interface Specification network [sic, for] transportation purposes"² are well-known and expected in the art, but no references were cited to support these assertions.

Applicants respectfully submit that Official Notice may only be taken in "certain circumstances," when the notice of facts are "capable of such instant and unquestionable demonstration as to defy dispute." MPEP § 2144.03(a) (citing In re Ahlert, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970) (citations omitted)). Furthermore, when Official Notice is taken, "the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge." MPEP § 2144.03(B). In the present case, Applicants respectfully submit that the Examiner has not explicitly set forth

¹ Office Action dated May 27, 2004, p. 18.

² Id.

reasoning to qualify as common knowledge. The Official Notice taken is not capable of such instant and unquestionable demonstration as to defy dispute. Accordingly, it is respectfully requested that references be cited in support of the assertions.

Further, Applicants respectfully submit that the Official Notice does not teach or suggest what is also lacking in Bahlmann, namely, providing an operations support system for supporting at least a first and second service provider having end-users on a common network, and a common interface through which each of the service providers may access information in the operations support system corresponding to that particular service provider's end-users. Therefore, no matter how Bahlmann is combined with the Official Notice taken, the combination fails to teach or suggest the presently claimed invention. Thus, it is respectfully submitted that claims 19, 46, 64, 94, and 96 are patentable over Bahlmann in view of the Official Notice taken in the outstanding Office Action.

Claims 29-32, 70, 71, 100, and 101 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bahlmann in view of Cogger. Applicants respectfully traverse this rejection.

Cogger is directed to web-based trouble ticket tracking system through which a user can submit and track the status of a trouble ticket.³ Applicants respectfully submit that Cogger does not teach or suggest what is also lacking in Bahlmann, namely, providing an operations support system for supporting at least a first and second service provider having end-users on a common network, and a common interface through which each of the service providers may access information in the operations support system corresponding to that particular service provider's end-users. Therefore, no matter how Bahlmann is combined with Cogger, the combination fails to teach or suggest the presently claimed invention. Thus,

³ See, e.g., p. 2, para. 18.

it is respectfully submitted that claims 29-32, 70, 71, 100, and 101 are patentable over Bahlmann in view of Cogger.

Consequently, in view of the present amendment, and in light of the above comments, Applicants respectfully submit that the invention defined by claims 1-117 is patentably distinguished from the prior art. An early and favorable reconsideration of this application is therefore respectfully requested.

Respectfully submitted,

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